UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/7
31 May 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTIONS OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report by the High Commissioner for Human Rights on the situation of human rights in Kosovo, Federal Republic of Yugoslavia

GE.99-15056 (E)

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Introduction

1. In its resolution 1999/2 the Commission on Human Rights requested the High Commissioner for Human Rights to report to the Commission urgently on the situation of human rights and the humanitarian crisis relating to Kosovo and on implementation of the provisions of the resolution. The present report is based on information gathered by the Kosovo Emergency Operation of the Office of the High Commissioner for Human rights (OHCHR) and on information obtained by the High Commissioner for Human Rights during her mission to the region from 2 to 13 May 1999.

I. THE RESPONSE OF OHCHR TO THE KOSOVO CRISIS

2. On 31 March 1999 the High Commissioner for Human Rights decided to deploy human rights monitors to the former Yugoslav Republic of Macedonia, Albania and Montenegro (Federal Republic of Yugoslavia). The objectives of the Kosovo Emergency Operation are: (i) to establish a human rights presence as close as possible to the actual developments in Kosovo; (ii) to interview refugees and seek impartial verification about alleged human rights violations; (iii) to seek to identify patterns and trends in human rights violations; (iv) to consult and help coordinate among international partners the assembling and analysis of information relating to human rights violations in Kosovo; (v) to assemble information in reports to the High Commissioner for Human Rights, the Special Rapporteur and other United Nations mechanisms including the International Criminal Tribunal for the Former Yugoslavia; and (vi) to explore opportunities for technical cooperation for the future reconstruction and security of the region.

3. At the outset of the crisis, the High Commissioner for Human Rights appointed Mr. Michel Moussalli her Personal Representative and asked him and the Special Rapporteur of the Commission on Human Rights, Mr. Jiri Dienstbier, to travel urgently to the region with a view to monitoring the human rights situation. At the conclusion of his mission, Mr. Moussalli submitted a report to the High Commissioner.

4. The dispatch of human rights monitors to the region was welcomed by the Commission on Human Rights in its resolution 1999/2. In its resolution 1999/18, adopted on 23 April 1999, the Commission requested the Special Rapporteur, the High Commissioner for Human Rights and OHCHR to cooperate to the extent appropriate with the international bodies charged with bringing those responsible for human rights violations and atrocities committed in Kosovo to justice.

5. From 2 to 13 May, the High Commissioner for Human Rights travelled to the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, including stops in Serbia and in Montenegro. The High Commissioner met government officials, refugees from Kosovo and representatives of international organizations and local and international NGOs. In addition to reviewing OHCHR monitoring activities and the overall human rights situation, the High Commissioner took the opportunity to discuss with Governments long-term strategies to develop a human rights culture and thereby assist in preventing future conflicts. Discussions on technical cooperation projects, which could involve human rights training, the

development of national plans of action and improved cooperation with the treaty bodies, were held with authorities in the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina and the Federal Republic of Yugoslavia, while in Croatia a programme of technical cooperation was formally agreed upon with the Government.

II. METHODOLOGY

6. The present report is based principally on the work of the Kosovo Emergency Operation. Interviews in the field are conducted by OHCHR staff on the basis of guidelines prepared at headquarters with a view to ensuring the reliability of information on the human rights situation in Kosovo.

7. Questionnaires have been developed in consultation with the International Criminal Tribunal for the Former Yugoslavia and other agencies in order to ensure their compatibility with forms used by other organizations involved in information-gathering. The forms will be regularly reviewed and revised as necessary on the basis of input received from the field.

8. Nine additional human rights officers were inducted in Geneva on the objectives and methodology of the OHCHR Kosovo Emergency Operation and have been deployed to Tirana and Skopje to join OHCHR staff there. Two data-processing experts have initiated a database for the management of the information gathered by the three OHCHR field presences, including ensuring the safe transmission of information to OHCHR headquarters in Geneva. The experts have travelled to the field to assess the needs of the field offices and to consolidate standard procedures for interviewing refugees and preparing reports. The analysed data will be shared with the thematic and country mechanisms of the Commission on Human Rights and with the human rights treaty bodies for further action.

III. COOPERATION WITH OTHERS IN THE FIELD

9. The three OHCHR field presences cooperate closely with other United Nations agencies and with regional organizations, including the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. One of the priorities is to ensure a coordinated approach to monitoring activities in refugee camps in the former Yugoslav Republic of Macedonia and in Albania. Information on human rights violations is shared between organizations as appropriate in the light of their respective mandates. During her mission, the High Commissioner met officials of OSCE, including the Kosovo Verification Mission, and discussed cooperation regarding information on human rights violations gathered from refugees, with a view to channelling the information to United Nations human rights mechanisms.

10. OHCHR acceded to a request from the International Criminal Tribunal for the Former Yugoslavia that important witnesses to crimes committed in the region, including violations perpetrated during the deportation or expulsion of refugees from Kosovo, be identified. In the field, OHCHR staff are in contact with the Tribunal. On 10 May 1999, the High Commissioner met its Chief Prosecutor, Louise Arbour, and discussed ways to strengthen cooperation between OHCHR and the Tribunal. OHCHR is coordinating its activities and

reporting with the Tribunal, in order not to interfere with ongoing investigations and to ensure, as appropriate, the confidentiality of OHCHR interviews.

11. Coordination has also been established with international and national NGOs which are responding to the Kosovo crisis. In refugee camps, OHCHR staff are in close contact with humanitarian NGOs. The Office has further established contact with NGOs which formerly worked in Kosovo. In the former Yugoslav Republic of Macedonia and Albania OHCHR is working with local NGOs on issues concerning the human rights of refugees. For example, in Tirana, the Albania field presence trained local NGOs, in cooperation with the Council of Europe.

IV. INFORMATION GATHERED

12. Accounts received by the High Commissioner and OHCHR staff in the former Yugoslav Republic of Macedonia, Albania and Montenegro (Federal Republic of Yugoslavia) provide substantial evidence of gross human rights violations which have been committed in Kosovo, including summary executions, forcible displacement, rape, physical abuse, and the destruction of property and identity documents.

A. Forcible displacement

13. Forced displacement and expulsions of ethnic Albanians from Kosovo have increased dramatically in scale, swiftness and brutality.

14. A large number of corroborating reports from the field indicate that Serbian military and police forces and paramilitary units have conducted a well planned and implemented programme of forcible expulsion of ethnic Albanians from Kosovo. More than 750,000 Kosovars are refugees or displaced persons in neighbouring countries and territories, while according to various sources there are hundreds of thousands of internally displaced persons (IDPs) inside Kosovo. This displacement appears to have affected virtually all areas of Kosovo as well as villages in southern Serbia, including places never targeted by NATO air strikes or in which the so-called Kosovo Liberation Army (KLA) has never been present.

15. This last fact strengthens indications that refugees are not fleeing NATO air strikes, as is often alleged by the Yugoslav authorities. The deliberateness of the programme to expel ethnic Albanians from Kosovo is further supported by statements made by the Serbian authorities and paramilitaries at the time of eviction, such as telling people to go to Albania or to have a last look at their land because they would never see it again. However, in the light of the deteriorating security situation, some persons have apparently decided to flee before being ordered to leave. A number of refugees, particularly intellectuals, fled after receiving threatening phone calls from unidentified persons with detailed knowledge of their activities.

16. The High Commissioner for Human Rights visited the Blace border crossing on 2 May 1999 and spoke to some of the thousands of Kosovars waiting to be registered and granted permission to enter the former Yugoslav Republic of

Macedonia. Several persons described how they had been compelled to abandon their homes, leaving all their possessions behind, because of violence, threats or the prevailing threatening atmosphere. In several cases, males had been separated from their families and taken away. One victim showed a gunshot wound to his knee, while several others displayed fresh marks of beatings inflicted by members of the Serbian police force. Some refugees had spent weeks in the forest before leaving Kosovo.

17. From testimonies gathered so far, it appears that the majority of refugees have been expelled from their homes by force or under threat of the use of force by the Yugoslav army and/or paramilitary forces. Many witnesses spoke of the involvement of Serbian civilians, often known to the victim, or of local police in the displacement campaign. Police, military and paramilitary forces taking part in these operations were often described as wearing masks and gloves in order not to be identified.

18. Refugees have arrived at border locations in waves from particular areas. According to accounts received, villages have been systematically emptied of their inhabitants, who were either transported - in some cases escorted - to the border or told to leave Kosovo. In many cases, refugees reported witnessing the looting and destruction of their homes, mostly by shelling and burning. En route to the border or during the evictions, some refugees were stripped of valuables and money and their cars were taken. In many cases identity papers and other official documents, such as property documents, were confiscated by the Yugoslav police or border officials.

19. Villages were emptied in house-to-house operations. Accounts indicate that, in many cases, populations were grouped together or driven to certain assembly points where transport had been prearranged, or from which they were escorted out of the area. OHCHR received accounts of the local Hoxha - the religious leader of the community - being ordered by Yugoslav Army commanders to act as an intermediary to instruct inhabitants how and when to leave the village.

B. Enforced or involuntary disappearances

20. OHCHR has documented cases of persons who have been taken away by the Serbian authorities and whose whereabouts and fate remain unknown. In some cases persons were taken from their homes while others, predominantly men, were taken from cars or from lines of refugees and led away.

21. In some instances, a number of persons were held back when the remainder of the village community was forced to leave. Such cases have included men, but also women and children. It is difficult at this stage to confirm whether such persons were later expelled and might have arrived at a different refugee location than the rest of the group or whether, and under what conditions, they remain in Kosovo.

22. Information gathered will be shared with the Working Group on Enforced or Involuntary Disappearances for further action.

C. Summary executions

23. A number of refugees interviewed by OHCHR witnessed or confirmed accounts of summary executions, while others reported having seen mass graves. Summary executions have taken place in different circumstances. There are confirmed reports of the singling out and killing by the Serbian authorities of well-known intellectuals or activists, the most recent being the case of Mr. Fehmet Agani. Mr. Agani was taken off a train that was sent back to Pristina on 7 (or 6) May 1999, after the closure of the Macedonian border at Blace. His family was informed to pick up the body on Saturday 8 May and he was buried the next day. OHCHR is seeking more detailed accounts of the reported killing of Mr. Agani.

24. Other killings occurred when Serbian forces opened fire on groups of Kosovars in the process of departure. OHCHR has received reports of soldiers or paramilitary forces shooting at groups of refugees after they were rounded up in a village and were waiting to depart. Similar accounts have been given by refugees who hid in the forest after having fled from their village. During her visit to a refugee camp in Albania the High Commissioner talked with two survivors of a mass execution and with the widow of a man who had been summarily killed. Some refugees reported that they had been told to run for their lives and had then been targeted by gunfire. This might have been done with the intention of giving the Serbian authorities the possibility to claim that the victims died as a result of military operations.

25. OHCHR has also received accounts from refugees who witnessed a number of men being ordered to line up or lie on the ground and subsequently being shot. Paramilitary forces have entered houses and summarily killed inhabitants. Other refugees witnessed a family being ordered out of their house and then being shot while they were fleeing. The perpetrators have been identified as belonging to several paramilitary forces, the Yugoslav army or police (MUP), or as being armed (Serb) civilians.

26. Finally it seems to have been the practice of Serbian forces in some cases to burn the corpses of executed ethnic Albanians in an attempt to destroy evidence of atrocities.

27. Detailed accounts collected by OHCHR will be shared with the Special Rapporteur on extrajudicial, summary or arbitrary executions, who was in Skopje and Tirana from 23 to 28 May 1999.

D. Torture/ill-treatment

28. Refugees interviewed by OHCHR have experienced various forms of ill-treatment at the hands of the Serbian paramilitary and police, as well as Yugoslav Army soldiers. Forms of ill-treatment have included beatings with fists and rifle butts, cruel treatment, rape and other forms of sexual assault, mutilation, shooting and threats of violence. In the former Yugoslav Republic of Macedonia, the High Commissioner spoke with a refugee whose ear had been mutilated by paramilitary forces; others reported physical abuse to her, including beatings with batons inflicted by the Serbian authorities just before the refugees reached the border crossing at Blace. In one reported incident a number of persons were shot dead and a survivor was ordered by

paramilitary forces to lie on top of them. Ill-treatment has occurred mostly outside of detention facilities, in streets, homes, the forest and on the road to the border. Refugees have also been mistreated by (Serb) civilians.

29. OHCHR does not have information about the treatment and fate of more than 1,000 prisoners who faced trial on terrorist charges in various courts in Kosovo before the beginning of the NATO attack.

30. The findings of the Kosovo Emergency Operation will be passed on to the Special Rapporteur on torture and to the Committee against Torture for follow-up action.

E. Violations of the rights of women

31. In general, women have experienced and witnessed the same violations as men, such as forced expulsion from their homes and ill-treatment at the hands of the paramilitary and police. Women have been searched and stripped to detect hidden valuables or money. Women have also experienced separation from, and in some cases witnessed the execution of, male family members.

32. Other organizations have received detailed accounts of rape and sexual assaults of individual and groups of women. OSCE has interviewed witnesses as well as victims of rape. In some instances, women have been taken away from a group for short periods of time, raped and later returned. There are reports of women having been mutilated and killed after having been raped. A number of women have confirmed that they attempted to commit suicide after having been raped. While there are confirmed reports of rape and sexual assault of women, there is no evidence to support allegations of the existence of rape camps.

33. On 25 May 1999, the United Nations Population Fund (UNFPA) published a report on sexual violence based on interviews with Kosovar refugee women. The report indicates widespread sexual violence by Serbian forces against Kosovo Albanian women and raises serious concerns about the well-being of women still inside Kosovo.

34. It is premature to assess whether the sexual assault and rape of women in Kosovo form part of a deliberate strategy to harm the Kosovo Albanian population or are acts perpetrated in a general environment of lawlessness and disregard for human rights.

35. The information gathered will be shared with the Special Rapporteur on violence against women.

F. Violations of the rights of children

36. A number of children have been separated from their family members. In addition, children have witnessed and experienced the same events as adults. OHCHR has received reports of children being beaten when the parent holding the child was also beaten.

37. The information gathered by the Kosovo Emergency Operation will be passed on to the Committee on the Rights of the Child and to the Special Representative of the Secretary-General on children affected by armed conflict, for further action.

G. Arbitrary detentions

38. Newly-arrived refugees have reported that ethnic Albanians are being used as human shields to protect military convoys from NATO air strikes. Young ethnic Albanian men have allegedly been forced to wear Serbian military uniforms and to walk alongside convoys. Several locations within Kosovo are reportedly used as mass detention centres for ethnic Albanians.

39. The data collected by OHCHR will be shared with the Working Group on Arbitrary Detention for follow-up action.

H. Economic, social and cultural rights

40. Violations of economic, social and cultural rights concern particularly those remaining in Kosovo. Refugees who have recently arrived from Kosovo, and particularly those from urban centres, have reported shortages and denial of access to food as a reason compelling them to leave. For instance, in Pristina, where State bakeries supply bread to the remaining population, Albanian refugees said they had only received bread after all Serbs waiting in line had been served. Albanian shops have been looted and essential supplies are scarce. Access to medical care for Albanians in Kosovo has become very difficult. The hospital in Pristina is reportedly closed to ethnic Albanians. The Albanian-language university closed two days before the start of the NATO bombing and schools throughout Kosovo are no longer functioning.

V. IMPACT ON CIVILIANS OF THE ARMED CONFLICT

41. According to the Serbian authorities, more than 1,200 civilians have died in the Federal Republic of Yugoslavia as a result of the NATO air strikes, and about 4,500 have been seriously injured. Several civilian targets have been hit by NATO: on 12 April 1999 a train was hit in the bombing of a railroad bridge, killing at least 10 civilians; on 14 April, NATO bombed a refugee convoy near Dakovica, killing 72 civilians; on 23 April, NATO attacked the Serbian State television headquarters, killing 15 civilians; on 1 May, NATO bombed a bridge near Luzane and hit a passenger bus, killing 23 people; on 7 May, NATO bombed a civilian market and a hospital in Nis, killing 15 civilians; on 8 May, the bombing of the Chinese Embassy resulted in the deaths of three civilians; and, on 15 May, 80 civilians were killed when the village of Korisa, near Prizren, was bombed.

42. The High Commissioner was in Nis shortly after NATO bombs struck a civilian area. She saw the damage caused by cluster bombs and the danger of unexploded bombs. The Mayor of Nis, who arrived on the scene, referred to the bombing of the hospital the previous day, which had caused the death of 15 civilians.

43. Bridges have been damaged and communications disrupted. The suspension of navigation on the Danube is causing serious damage to the economy of the

Federal Republic of Yugoslavia. The NATO campaign has destroyed or partially damaged schools, hospitals and places of worship. According to Yugoslav sources, the total or partial destruction of economic facilities has left more than half a million people without jobs.

44. The air strikes have also caused serious environmental damage to agricultural land, plants, cattle and wildlife. Furthermore the destruction of petrochemical installations and the bombing of warehouses storing products of the chemical industry raise serious concerns for health.

45. The destruction of private radio and television stations has created a serious impediment to freedom of expression and freedom of information for the people of Serbia.

46. The use of graphite bombs by NATO has caused short circuits on long-distance power lines and left areas of the Federal Republic of Yugoslavia without water and electricity, causing enormous hardship to civilians. Those most severely affected are patients in hospitals, especially emergency cases in need of intensive care. NATO is also using cluster bombs in the air campaign against the Federal Republic of Yugoslavia. The submunitions inside cluster bombs have a high failure rate and can leave unexploded ordnance across wide areas, capable of detonation on contact.

VI. HUMANITARIAN SITUATION

A. Albania

47. According to figures of the Government of Albania, as of 20 May 1999, Albania was hosting more than 400,000 refugees from Kosovo. The daily influx of refugees varies widely, sometimes being as high as 13,000, at other times dwindling almost to none. Given the harsh terrain and lack of infrastructure at the border crossing areas, there has been a major effort to relocate refugees from the north near Kukes to other points in central and southern Albania where it is easier to establish facilities for accommodation. The border areas remain tense and there are increasing incursions and shelling by Yugoslav forces into Albanian territory. This military action, as well as training activity by the KLA, particularly in the north, has fueled interest in relocating refugees.

48. Refugees are accommodated in a variety of facilities. Some two thirds of the refugee population, approximately 305,000 persons, are accommodated in the homes of Albanian families. Past experience forewarns of potential future problems. Only six weeks into the massive refugee influx, host families were experiencing difficulties meeting the additional financial burden. These will only increase if the refugees do not return soon, possibly leading to tension between the domestic and refugee populations. This phenomenon has a precedent in Serbia, where refugees who were taken in from Croatia and Bosnia and Herzegovina remained years longer than expected. This together with the direction (or the perception thereof) of international aid primarily towards the refugee population, rather than its being balanced between the domestic and refugee populations, can sow seeds of conflict between the two communities. An agreement for financial aid to host families has been reached between the Office of the High Commissioner for Refugees (UNHCR) and the

Albanian Ministry of Local Government, the ministry responsible for refugees. However, the mechanism for families to obtain the financial benefit appears not yet to be in place.

49. Conditions at many collective centres and tented camps are deteriorating. Poor sanitary conditions and warm weather are causing increasing health problems. In Kukes, NGOs report an increase of 30 to 40 per cent in the incidence of diarrhoeal diseases. Children are especially vulnerable in the face of traumatic dislocation, in some cases having been separated from their families. During her visit to a refugee camp in Albania, the High Commissioner met a young refugee school teacher who, despite the lack of materials, has an open-air school, the walls of which are defined by clothes lines, for children in the camp.

1. Registration of refugees

50. Given the wide-scale loss by the refugee population of their documents, efforts to provide identity documentation have been undertaken. Some camps provide camp identity documentation in an effort to control who has access to the camp. The International Organization for Migration (IOM), UNHCR and the Government of Albania have designed a programme for the registration of refugees, one by-product of which will be a picture-identity document. IOM will also maintain a database of all refugees registered.

2. Refugee security issues

51. Security for refugees from various criminal elements is becoming an increasing concern and conditions in some camps, particularly in the north of Albania, are deteriorating. Criminal activities pose a threat to the human rights of refugees in their current accommodation. Major issues include trafficking and prostitution, abduction of children, recruitment and training for the KLA and illegal immigration.

B. The former Yugoslav Republic of Macedonia

52. According to official government sources, the former Yugoslav Republic of Macedonia harbours more than 200,000 refugees from Kosovo.

53. Poor hygiene, inadequate medical attention and overcrowding of camps put the health of refugees at risk. The lack of space is also affecting school programmes. The number of reported security incidents in the camps is low; in several cases refugees have been arrested and taken away to local police stations for attempting to leave the camp without authorization.

54. There is a need to provide follow-up care and counselling to victims or witnesses traumatized by serious human rights violations. Often such cases are identified during human rights interviews conducted by OHCHR. In some camps, mental-care facilities exist, but in other camps, such as Cegrane, such services are currently lacking.

55. There is also concern about the presence of members of the KLA in the camps and the possible (forced) recruitment of refugees into the KLA.

1. Status of refugees

56. UNHCR considers those displaced outside the Federal Republic of Yugoslavia in the context of the current conflict as prima facie refugees and has not generally conducted status determination interviews. However, the Macedonian authorities reportedly have granted the status of "humanitarian assisted persons" (HAP) to those refugees accommodated with host families, excluding the automatic extension of all rights incumbent on recognized "Convention" refugees.

57. The HAP status is a temporary protection status granting the right to remain temporarily in the former Yugoslav Republic of Macedonia, with renewal linked to the situation in Kosovo. According to government instructions, persons with HAP status are "entitled to accommodation, food, health care, education of children and youth and other humanitarian rights".

58. Persons with HAP status are limited in their movement to the municipality of registration. At the outskirts of towns and along the main highways, police have established checkpoints and control the movement of refugees. To visit the camps, a person with HAP status must obtain permission, which applies for one visit, from the Ministry of Labour or the local Macedonian Red Cross. Children with HAP status are not legally entitled to education, although the Ministry of Education has issued a statement that children can attend schools on a local basis. In fact, children have joined local schools and in some cases, additional classes have been organized.

59. Rudimentary registration of refugees inside the camps is taking place. However, as camps are considered transit centres from which refugees are expected to move to third countries, camp residents are not granted HAP status. Despite registration, which is entered into an IOM database, refugees have not received identity documents nor a copy of the registration form. UNHCR intends to issue some form of picture ID cards in the near future and to initiate registration of children born in the camps.

60. Camp refugees are restricted in their movements. They are not permitted to leave the camps unless they have a medical referral or have obtained permission on other humanitarian grounds, to be determined by UNHCR in coordination with the Macedonian police. The refugees receive humanitarian assistance in the camps.

2. Violations of the rights of refugees

61. Incidents of refoulement as well as denial of entry to refugees have occurred on various occasions and in various locations. Refugees attempting to cross at illegal border crossings are regularly refouled.

62. Allegations of beating of refugees in a refugee camp have led to demands that the Macedonian police stay out of the camps. After negotiations with UNHCR, the Macedonian police agreed to increase the number of ethnic Albanian policemen in the camps. OHCHR has not been able to confirm allegations of beating of refugees by Macedonian police in the camps. There are a number of reports of ill-treatment by Macedonian military police of refugees who crossed the border illegally. There are unconfirmed reports of prostitution,

trafficking and abuse of women and children in camps and host families. An incident of an attempt to traffic some 30 children was reported by one embassy in Skopje.

63. Families have been split up in the process of forced expulsion and deportation from Kosovo, and in some cases again at the border crossing. Further separation has occurred during the first wave of humanitarian evacuation. Procedures at the border-crossing of Blace now are intended to ensure that family units are maintained.

3. Impact of the crisis on the economy and social structure

64. The fragile economy of the former Yugoslav Republic of Macedonia has been put under great strain by the current crisis. Yugoslavia was among its main markets and many of its industrial plants were dependent on imports from Yugoslavia of raw materials and production components. As a result, exports have dropped by 40 per cent and some 40,000 workers have been laid off. In addition, the main transport route from the former Yugoslav Republic of Macedonia to Europe has been cut off.

65. In the social and demographic sphere, unemployment is rising - it is currently close to 50 per cent according to official sources - and the number of people on compulsory leave increasing. Health institutions function for urgent cases only as medical stocks have been exhausted by treatment of refugee patients. Refugees now make up 15 per cent of the total population of the former Yugoslav Republic of Macedonia, altering the ethnic balance in the country. The fact that the large majority of the refugees are of ethnic Albanian origin and the fear among some that most of the refugees will remain have increased inter-ethnic tensions in the former Yugoslav Republic of Macedonia.

VII. REPUBLIC OF MONTENEGRO (FEDERAL REPUBLIC OF YUGOSLAVIA)

66. The Republic of Montenegro presently hosts more than 60,000 IDPs from Kosovo. Some IDPs are accommodated in Ulcinj, on the coast, with host families or in camps, while others are housed in camps and other ad hoc arrangements in Rozaje, near the border with Kosovo. The conditions at Rozaje in particular have been described as unacceptable and raise serious health concerns due to lack of hygiene.

67. The arrival of a large number of IDPs from Kosovo has put great pressure on the authorities of the Republic of Montenegro, who are responsible for responding to the humanitarian needs of the IDPs and ensuring their security. The blockade by the federal authorities on humanitarian assistance arriving through the port of Bar has placed the well-being of IDPs at risk. Furthermore, the relative scarcity of international representatives has left Montenegro without necessary support, including for resettlement, leading many IDPs to cross the border into Albania.

VIII. REPUBLIC OF SERBIA (FEDERAL REPUBLIC OF YUGOSLAVIA)

68. According to the findings of the United Nations Needs Assessment Mission, which travelled throughout the Federal Republic of Yugoslavia from 16 to 28 May, the situation in that country is so grave that in each republic and province, without exception, people, regardless of ethnic group, political affiliation, socioeconomic status, gender or age, fear for their survival.

69. Apart from the city centres where one can see very few people and practically no vehicles on the streets, Kosovo is a panorama of burned houses, untended farms, wandering livestock, empty villages and looted shops.

70. In the Republic of Serbia the air campaign, which has been especially intensive in densely populated centres of Vojvodina and southern Serbia, has led as-yet-uncalculated numbers of persons to seek shelter in what are perceived to be "safe" locations outside the cities. Children, in particular, are being sent away from their parents and have not attended school since the start of the NATO campaign. Parents in Belgrade and Stimlje complained of the effects on their children of unhygienic and psychologically unhealthy conditions in air raid shelters. Severe restrictions on fuel have effectively brought civilian Serbia to a standstill and many parts are often without electricity and water.

IX. IDPs IN KOSOVO

71. Ethnic Albanians who remain in Kosovo are reportedly suffering from hunger and lack of medical attention. In the mountains, where many IDPs are reported to be hiding, food, shelter and basic provisions are lacking.

72. Certain villages have become refuges for large numbers of IDPs. In such overwhelmed villages, food is lacking, sanitation is poor and severe overcrowding facilitates the spread of disease. Cattle have been killed, shops closed and in certain towns and villages Serb merchants have allegedly refused to sell food to ethnic Albanians. Numerous refugees reported that relatives and friends hit by bullets or mortar fire have died for lack of medical care.

X. CONCLUSIONS AND RECOMMENDATIONS

73. The grave humanitarian tragedy taking place in Kosovo, the Federal Republic of Yugoslavia and neighbouring countries has its roots in a human rights crisis. By 20 May 1999 more than 750,000 persons had left or been forcibly displaced from Kosovo, while an unknown, reportedly large number of IDPs remained in the region. Credible allegations of severe and ongoing human rights violations have been reported by refugees and IDPs to international and national organizations in the former Yugoslav Republic of Macedonia, Albania and the Republic of Montenegro (Federal Republic of Yugoslavia).

74. The High Commissioner calls on the responsible authorities of the Federal Republic of Yugoslavia to put an end to human rights violations and to respect the principles of international human rights and the four Geneva Conventions and Optional Protocols to which the Federal Republic of Yugoslavia is a party. The High Commissioner also urges the Government of the Federal

Republic of Yugoslavia to withdraw immediately and unconditionally all the army and police (MUP) units from Kosovo, as well as federal police and paramilitary forces responsible for gross violations of human rights in the region.

75. The High Commissioner for Human Rights calls on all concerned to intensify political negotiations and find a solution to the current crisis.

76. The High Commissioner calls on NATO to respect the principles of international humanitarian law, including the principle of proportionality, in its military actions against the Federal Republic of Yugoslavia.

77. The High Commissioner calls on the Government of the Federal Republic of Yugoslavia to allow humanitarian agencies to bring aid and support to the internally-displaced persons still inside the territory of the Federal Republic of Yugoslavia, particularly in Kosovo, as well as to the Serb civilian population severely affected by the war.

78. The High Commissioner calls on all the agencies committed to information-gathering activities relating to human rights violations in Kosovo to ensure that the necessary efforts are made to bring to justice the perpetrators of gross human rights violations and crimes against humanity.

79. The High Commissioner believes the indictment of Mr. Slobodan Milosevic and four other Serbian leaders is a major step in the process of addressing impunity. The five persons indicted are charged with crimes against humanity, detailed specifically as murders, deportation and persecutions, and with violations of the laws and customs of war.

80. The High Commissioner urges the international community to increase its efforts to improve the living conditions of refugees and IDPs in the former Yugoslav Republic of Macedonia, Albania and Montenegro (Federal Republic of Yugoslavia). The High Commissioner underlines that the refugee burden must be shared among more countries in order to alleviate the pressure placed on the economies, social life and inter-ethnic relations of the countries and territories bordering on Kosovo.

81. The High Commissioner underlines that the registration of refugees and the issuing of identity papers undertaken by UNHCR and IOM should be considered by the responsible authorities of the Federal Republic of Yugoslavia as valid identification and proof of the refugees' former habitual residence in the Federal Republic of Yugoslavia and thus a sufficient basis for establishing the right to return. The High Commissioner also calls on the responsible authorities to create the conditions for a secure and peaceful return of refugees to their homes. Their return should be monitored by an international peace-keeping force.

82. Any durable solution to the crisis in Kosovo will have to be built on a solid foundation of respect for human rights, on strong national and local human rights infrastructures and on a culture of respect for human rights and tolerance. It must provide an adequate basis for the future observance of human rights and the establishment of effective human rights institutions in

Kosovo and throughout the Federal Republic of Yugoslavia, as well as for the support of long-term programmes that would create or strengthen national human rights capacities.

83. There should be a key human rights component in any future United Nations presence in Kosovo, the objectives of which should be: to monitor and promote respect for human rights and the rule of law; to follow up individual cases of human rights violations and to determine patterns of continuing violations; to investigate complaints of human rights abuses, in cooperation with international civilian police; and to continue providing support to United Nations human rights mechanisms, including the Special Rapporteur of the Commission on Human Rights, thematic mechanisms and treaty bodies.

84. In the event of the deployment of a United Nations mission in Kosovo, OHCHR will contribute to the design and implementation of human rights training programmes for international peacekeepers and police monitors.

85. As a component of a United Nations presence in Kosovo, OHCHR will work with the local the authorities to improve capacities to ensure respect for human rights. Special attention should be given to bringing legislation (at the federal, republican and local levels) into conformity with international standards. OHCHR will also endeavour to work with the Government of the Federal Republic of Yugoslavia on the elaboration of a national plan of action for human rights and on the establishment of a national human rights institution. Training of key professional groups such as lawyers, judges, local police, prison officials and educators, should be a priority.

86. Concerning civil society, once back in Kosovo OHCHR will strive to design and implement programmes to strengthen NGOs, human rights programmes in education, independent media and other sectors. Workshops and seminars will be arranged in order to increase awareness of international human rights standards and better ensure their implementation. Emphasis should be placed on the development of a culture of tolerance which embodies the principles of international human rights and non-discrimination. A human rights education campaign involving schools and the media will be pursued.

87. The High Commissioner stresses the need to strengthen democracy and the rule of law, economic and social development and respect for human rights and fundamental freedoms throughout the region. In this perspective, the High Commissioner hopes that the presence of OHCHR in Albania, the former Yugoslav Republic of Macedonia, Croatia, Bosnia and Herzegovina, Montenegro (Federal Republic of Yugoslavia) and eventually again throughout the entire territory of the Federal Republic of Yugoslavia will offer the opportunity to support longer-term technical cooperation programmes to create or strengthen national human rights capacities and assist in the development and implementation of national plans of action for human rights and human rights education.

88. The High Commissioner is prepared to report further in due course on human rights violations and the humanitarian situation in and around Kosovo.